

### **Remarks**

Applicant has carefully reviewed the Office Action dated March 23, 2006, in which claims 33-64 were pending and have been rejected. With this response, claims 33 and 49 have been amended. Favorable reconsideration is requested.

#### ***Claim Amendments***

Claims 33 and 49 have been amended to more particularly claim the invention. No new matter has been introduced.

#### ***Claim Rejections—35 U.S.C. § 102***

Claims 33, 45, 46 and 48 were rejected under 35 U.S.C § 102(e) as being anticipated by Gilson et al. (US 2002/0052626). Applicants respectfully traverse this rejection.

As independent claim 33 has been amended to be, in substance, identical to the previously pending claim 37, which was not rejected as anticipated by Gilson et al., this rejection is moot. As claims 45, 46 and 48 depend from claim 33, the rejection is likewise moot with regard to these claims as well.

#### ***Claim Rejections—35 U.S.C. §103***

Claims 34-38, 41-44, 47, 49-53 and 56-64 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Gilson et al. in view of Stachle et al. (U.S. Patent No. 6,132,458). Applicant respectfully traverses this rejection.

Independent claims 34 and 49 now claim “providing a filter longitudinally fixed on a guidewire.” Stachle et al. do not disclose filters. Gilson et al. do not appear to disclose providing a filter longitudinally fixed on a guidewire. The filter of Gilson et al. is loaded into the delivery pod by a loading device 7 which incorporate either a pushing

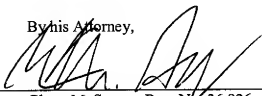
device 8 or a pulling device 150. "The loaded filter element 40 is not attached or associated in any way with the pushing device 8. Thus, the user is free to choose any suitable guidewire, as desired, for subsequent delivery of the filter element 40 through a vascular system of a patient." Para. 250. "The embolic protection device is not attached to the guidewire." Para. 281 & 283. "Further pulling of the pulling device 150 proximally disassociates the loaded catheter assembly from the loading device 7 as described previously." Para. 300. Thus the prior art does not disclose each and every element of the claimed invention. For this reason, applicant submits that the claims are in condition for allowance over the prior art.

Reexamination and reconsideration are respectfully requested. It is respectfully submitted that the claims are now in condition for allowance, issuance of a Notice of Allowance in due course is requested. If a telephone conference might be of assistance, please contact the undersigned attorney at (612) 677-9050.

Respectfully submitted,

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By his Attorney,



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